



## **AFL-CIO and Solidarity Center Joint Submission in Response to Docket No. DOL-2010-0002**



The following is a response to the U.S. Department of Labor, Office of Child Labor, Forced Labor and Human Trafficking (OCFT) within the Bureau of International Labor Affairs (ILAB) *Request for Information on Business Practices to Reduce the Likelihood of Forced Labor or Child Labor in the Production of Goods* submitted jointly by the following organizations:

1. American Federation of Labor-Congress of Industrial Organizations (AFL-CIO)
2. American Center for International Labor Solidarity (Solidarity Center)

This joint submission addresses part (D) of the Trafficking Victims Protection Reauthorization Act of 2005 (TVPRA) mandate to “Work with persons who are involved in the production of goods on the list described in [the DOL List of Goods Made with Forced Labor or Child Labor] to create a standard set of practices that will reduce the likelihood that such persons will produce goods using the labor described [in the List of Goods].”

The AFL-CIO is a voluntary federation of 56 national and international labor organizations with a total membership of 11.5 million working men and women, including 3 million members in Working America, its community affiliate. The Solidarity Center has over 20 years experience implementing programs related to the elimination of forced and child labor and human trafficking, as well as significant experience providing technical assistance to local partners in countries around the world on monitoring supply chains of multinational corporations (MNCs). The Center has 27 field offices around the world, and conducts programs in more than 60 countries.

### **I. Adherence to Core Labor Standards**

The Solidarity Center and AFL-CIO make this submission to the Department of Labor in order to advocate a standard set of practices for firms, business associations and other private sector groups that includes the incorporation of all core labor standards and recognizes the role of workers and trade unions in reducing the likelihood of child labor and forced labor in the production of goods.

For example, third party monitoring and verification programs are often suggested as a means for MNCs to ensure that there is no child labor or forced labor in their supply chain. We argue that such programs must go further by ensuring that MNCs, employers, labor recruiters, governments and others adhere to core labor standards and respect workers’ human and worker rights in order to affect change in practices all along supply chains.

In particular, we advocate for the incorporation of all International Labor Organization (ILO) core labor standards, as defined in the *ILO Declaration on Fundamental Principles and Rights at Work* (1998), in the standard set of practices for businesses. The ILO Declaration obliges all ILO member states regardless of ratification. Adherence to all core labor standards means not only freedom from forced and child labor but also freedom from discrimination and the freedom of association, right to organize and right to collective bargaining.

Indeed, an independent and democratic trade union in a workplace is the best way to ensure that labor rights – including freedom from forced and child labor – are respected. Numerous examples abound around the world of a reduction in forced and child labor in a workplace when there is a binding and enforced collective bargaining agreement between unions and employers. **In Kenya,**

for example, child labor on coffee and tea plantations has been reduced significantly on plantations where unions are strong, and collective bargaining agreements are in force. The same may be said for Liberia where forced and child labor are being addressed at one of the world's largest rubber plantations through the election of an independent trade union and the collective bargaining process.

We believe that realizing freedom of association and the development of democratic trade unions provide a sustainable domestic power base uniquely capable of providing durable long-term protection against forced labor and other types of slavery.

While, for example, independent, third-party monitoring and verification systems may be a useful tool in supplementing the voice of workers, the eradication of forced and child labor in supply chains may only be effectively achieved by ensuring that workers have a voice in the process.

We do not support any business practice to reduce child labor and forced labor that does not involve empowering workers and trade unions to engage in monitoring supply chains. In addition, we would object to any system of monitoring overseas production that bypasses the legitimate role of unions in monitoring the workplace and defending against violations of worker and union rights.

Businesses must recognize that forced and child labor along supply chains is often the result of violations of core labor standards, and laws, policies and regulations that ignore worker rights and allow workers to be exploited. We urge the Department of Labor to include in the standard set of practices the need for worker empowerment as a key element in eliminating slave like conditions that are a part of supply chains.

The Department of Labor may also include in its recommendations support for the enhanced ability for workers to organize or join trade unions. And in circumstance where a union is not present, workers in a particular workplace may still play an active role in monitoring and verifying that the products that they produce, process, import or distribute are not made with forced or child labor.

## **II. Decent Work for All**

In addition to adhering to core labor standards in formal workplaces, businesses must be held accountable for labor abuses along their supply chains, many of which take place when work is sub-contracted into the informal economy. Forced and child labor thrives in the informal economy, due in part to the lack of trade union representation. The Department of Labor might consider recommending stricter guidelines on sub-contracting work or purchasing materials from informal workers, the broadening of national labor laws to include informal workers and the formalization of their work, and the empowerment of trade unions to organize in the informal economy. Businesses must take responsibility for worker rights abuses taking place in direct and sub-contracted workplaces and be prepared to engage in good faith in the collective bargaining process to ensure that all workers in their supply chains can enjoy and exercise their rights, eliminating the space for forced and child labor.

## **III. ProDESC Comments**

The AFL-CIO and Solidarity Center also incorporate the views of their partner organization in Mexico, Proyecto de Derechos Economicos, Sociales y Culturales (ProDESC), into this

submission. Please see attached for the full submission. ProDESC raises a number of concerns related to this Department of Labor initiative that we agree must be addressed in order to maximize the benefits of ILAB's efforts. Specifically, "the set of standard 'best practices' aggregated and disseminated by DOL-ILAB must therefore not only recognize the fact that the human rights related to child and forced labor are obligatory and create duties, but also that businesses are key duty-holders. As such, this set of 'best practices' should be framed as a tool which may be used by businesses to help them comply with their obligation to carry out due diligence and to avoid complicity in human rights abuses. It should *not* be defined as a set of voluntary practices that may be used by those businesses who opt to contribute to the reduction of child and forced labor."

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